IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
TUESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE S.ANANDA REDDY
WRIT PETITION NO : 9530 of 2004

Between:
Anumolu Subba Rao, S/o Seetha Ramaiah, R/o Plot No.12, Seetapuram Colony, Poranki Village, Penamaluru Mandal, Krishna District.

..... PETITIONER

AND

1 The Assistant Commissioner of Endowments Department, Krishna District.
2 The Executive Officer, Gollapudi Group Temples, D.No.27-31-1/4, Palapartivari Street, Governorpet, Vijayawada.
3 The Regional Joint Commissioner of Endowments Department, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of "Writ of Mandamus" declaring the action of the 2nd respondent in issuing the impugned auction notice dated 05-06-2004 proposing to conduct auction on 16-06-2004, of the lands in possession of the petitioner, as statutory tenant belonging to "Sri Vasantha Venugopala and Anjaneya Swamy Temple", Poranki-Village, Penamaluru Mandal, Krishna District, Without giving opportunity to the petitioner to pursue his appellate remedy and without following the mandatory provisions and rules under "The Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act-1987" as illegal, arbitrary, irrational and violating the Principles of Natural Justice, and Article 21 of the Constitution of India, and consequentially set aside the same

Counsel for the Petitioner: MR.UNNAM.MURALIDHAR RAO

Counsel for the Respondents: GP FOR ENDOWMENTS

The Court made the following:

ORDER:

This writ petition is filed by the petitioner who is claiming to be the tenant of land in an extent of Ac.7.75 cents belonging to Sri Vasantha Venu Gopala & Anjaneya Swamy Temple, Poranki village, Penamaluru Mandal, Krishan District. When the respondents are proceeding with the auction of the lease hold rights, the petitioner has come up with the present writ petition and claimed that the lease hold rights were offered to him, which he has accepted for an annual rent of Rs.60,000/- for the year 2004-2005 and therefore, the respondents are not entitled to auction the lease hold rights, which was scheduled to be held on 16-06-2004.

2. Notice was issued before admission and the learned Standing Counsel for Endowments is directed to get instructions. On instructions, it is represented by the learned Standing Counsel that though auction was held, in fact, in the auction, the lease hold rights were purchased for a sum of Rs.8,00,000/- due to the factions in the village and in fact, it is represented that no amount was deposited in pursuance of the said auction.

3. Under the above circumstances and further taking into account the standing crop which was raised by the petitioner, the respondents are directed to allow the petitioner as lessee for the year 2004-2005 on payment of rent of Rs.1,25,000/-. The petitioner is also directed to deposit the said amount within a period of four weeks from today. If the petitioner has already paid any amount for the year 2004-2005, that amount has to be given credit and the balance towards total lease amount of Rs.1,25,000/- has to be collected from the petitioner. On such payment, the petitioner shall be allowed to be in possession of the lease hold land for the year 2004-2005 and at the end of said lease period, the petitioner has to vacate the lease hold land and it is open to the respondents either to consider leasing of the land to the petitioner or to hold public auction.

4. Accordingly, the writ petition is disposed of. No costs.

22nd June, 2004

ASSISTANT REGISRAR

//True Copy//

SECTION OFFICER

To

1 The Assistant Commissioner of Endowments Department,

Krishna District.

2 The Executive Officer, Gollapudi Group Temples,
D.No.27-31-1/4, Palapartivari Street, Governorpet, Vijayawada.

3 The Regional Joint Commissioner of Endowments Department, Krishna District.

4 Two CCs to the Govt. Pleader for Endowments, High Court Buildings, Hyderabad (OUT)

5 Two CD copies.